

721—26.105(50) Duties of commissioner and commissioner's staff.

26.105(1) *Ballot security.* The county commissioner (or the commissioner's designee) shall be responsible for the security of the ballots and shall supervise their handling. The commissioner shall ensure that the ballots are protected from alteration, damage or loss.

26.105(2) *Optical scan tabulation duties.* In counties with electronically tabulated optical scan ballots, the recount board may request that the ballots be recounted by machine, may count the ballots by hand, or may do both. The county commissioner or members of the commissioner's staff shall operate the tabulation equipment for machine recounts. The same program used on election day shall be used in the recount unless the program is believed or known to be flawed.

26.105(3) *DRE voting machine tabulation duties.*

a. Reel-to-reel paper records. Because a record of each voter's ballot is preserved in the same order in which the ballots were cast, the commissioner shall not provide to recount board members any record of voters that may be used to determine the identity of any voter in connection with any ballot. The commissioner shall provide one reel of ballot records at a time and, upon completion of the tally of the votes on the reel, return the reel to its secure storage device. Members of the recount board shall witness the process of sealing the paper records and sign where appropriate.

b. Internal audit log. Working with one precinct at a time, the designated members of the commissioner's staff shall print the ballot images from the DRE voting machine internal audit log. The ballot image report from each precinct shall be sealed in the same manner as voted ballots at the conclusion of the recount.